Previous References. 1944. 45 (Prisons)

File No. 20-43

Serial Nos. 11, 12, 13

Later References.

Preliminary

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Three

Part B for August '45

SUBJECT

Recommendation No 83 of the PRC regarding the undertrials

P&214-25/Pris 20-43-13 dt 9 7 45

To The D.G. of Prisons

" " Police

" Registrar H.C. Court

" D.C.s of Districts

Accepts the recommendations of the PRC subject to certain conditions

H. C. Srivastava
9/15/8/45

1) In paragraph 99 of Chapter III of their Report, the Prison Reforms Committee suggest that available information as to the character, the previous history of every undertrial prisoner should be furnished to the sub-jail authorities at the time of his remand.

10 DEC. 1943 GEN. & SECTT.

2) The Inspector-General of Prisons agrees with this recommendation and suggests that necessary instructions may be issued to the remanding Courts.

SECY. LAW DEPT. 5321 27/11/43 MYSORE

3) The High Court may be consulted in the matter.

MMV 29/11

Law Secy)

29-11-43
MMV 29/11

5) Submitted with a draft

6) may be approved

MMV 9/12

Law Secy)

SECY. LAW DEPT. 5704 GOVT OF MYSORE

Can 9-12-43

7) Issue

MMV 9/12

To The Registrar, High Court
No P 4129 dated 21-12-43
Calls for the opinion of the High Court

8) Issue as D.O. Reminder today

MMV 7/6/44

T.O

SECY.

29/12/43

2

Reforms — 4054/4223/43

Continuation Sheet. File No. Current No. Information re recommend

Page 2

Per 20 61 of 43

SE 12

From

The Registrar High Court -

Letter No 110/44-45 dated 21st July

furnishing his Opinion of the High

Court, in respect of the recommendation

Refer paras 3-6 of the notes overleaf

9) Submitted for orders

10) The S.G. of Police will if approved be consulted re. C. in the matter

17/3

17-3

7316

Law Secy

11) forwarded with compliments to the S.G. of Police for favour of opinion

A.G.

M. K. Varadaraja

for Secy to Govt

Law Dept

R.O. No. P 184/44 dated 17/3/45

R.O. NO. R. 1063/44-45 dated 14th April 1945

35-432

12)

Returned with compliments. There is no objection to furnish information available with the Police at the time of remand and necessary for giving effect to the recommendation made in paragraph 98 of the Report of the Committee on Prison Reforms to the sub-jail authorities.

17/4/45

14/4

S. Nadarajah

Inspector General of Police

for

13) Submitted with refee to para 10 of the notes supra.

17-4-45

25/4/45

C. F. 69]

Continuation Sheet.

File No. / Current No.

Pris Reforms 4483 P 44

Recommendation no 88.

of Information re undertrials

Page. 3

14). The D.G of Police agrees to the Police supplying available information about the character and previous history of under-trial prisoners to the jail authorities at the time of their remand

15). The recommendation of the Committee may accordingly be approved

MRV 2/5

Law Secy

Min of Lab

OFFICE OF THE MINISTER FOR REVENUE & LAW.
No. 4623
Date 5-5-45

16). [illegible] 4/5 2/5 MRV 2/5

4/5 8/5

MRV 8/5

A draft G.O. is put up for Consideration.

12/5/45

12/5

12/5

Draft G.O. as submitted for appl.

MRV 6/7

Law Secy

G.O.Ms.P 214-25/Pris 27-45-13 dt 9-7-45

6-7-45 MRV 6/7

To The D.G. Prisons,
The D.G Police
The Registrar H.C.
The D.C.s of Dists

Accepts the recommendation of the P.R. Committee subject to certain Condition

7/7/45

8/7/45

WD-0726—GPB—25,000—15-9-44

Appendix F. G.—1]

SUBJECT.....

.....

.....

Section Pris

File No. 20 - 43

Serial No. 4

Diary No. of letter replied to.....

No. P. 4129

To

The Registrar

High Court of Mysore

General and Revenue Secretariat

( )

the *194* .

Date of issue.... 2/-12-43

Signed by.... Mr R.P.P

Sir

I am directed to State that the Prisons Reforms Committee have suggested, among other items that available information as to the Character, and the previous hists of every Undertrial prisoner Shall be furnished to the authorities of the Sub Jail at the time of his remand to Sub Jail.

P.T.O

List of enclosures.....

Copied by.....

Examined by.....

WD 04161—GPB—60,000—21-10-41

2

The Inspector General of Prisons who was consulted in the matter has reported that he has no objection to the above suggestion and has accordingly recommended that necessary instructions may be issued to the remanding Courts.

I am to request that Govt may kindly be furnished with the opinion of the High Court in respect of the recommendation of the Prisons Reforms Committee referred to above

I have etc

Secretary to Govt
Law Dept

4423/44 3

R. O. C. / D. Dis. No. 110 Ad-45

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 1 December *1944.*

Pris 2 20—43—12

FROM

N. SAMAIENGAR, Esq., B.A.,LL.B.,
~~TYSEAAIENGAR,ESQ,OEAOBLY~~
Registrar, High Court of Mysore.

Pri

SECY. LAW DEPT. 2 DEC 1944 GOVT OF MYSORE

To

C. NARAYANASWAMI NAIDU, Esq., B.A.,B.L.,
Legal Remembrancer and
Secretary to Government,
Law Department,
BANGALORE.

SIR,

With reference to your letter No.P.4129 dated 21.12.1943 requesting the opinion of the High Court on the suggestion of the Prisons Reforms Committee that available information as to the character and previous history of every under-trial prisoner should be furnished to the authorities of the Sub Jail at the time of his remand, I am directed to state that if the intention of the Government is that the Courts remanding an accused to the Jail custody should furnish the information to the Jail authorities, the matter requires serious consideration. A remand may be under Section 167 of the Criminal Procedure Code during investigation or under Section 344 during trial. There can be no serious objection to the information being furnished to the Jail authorities as regards the character and previous history of an accused to the extent to which it is known when, during the stage of investigation, he is remanded to Jail custody by a Magistrate other than a Magistrate before whom the charge-sheet is likely to be placed, though even in such cases the better course might be to ask the Police themselves to furnish the information direct to the Jail authorities.

As regards cases where the Magistrate before whom a charge-sheet in the case may have to be placed remands the accused under Section 167 Criminal Procedure Code during investigation or where the trying Magistrate remands the accused under Section 344 Criminal Procedure Code during

during trial, it is undesirable that such Magistrates should be required to furnish to the Jail authorities information as to the character and previous history of an undertrial prisoner, because a trying Magistrate should not know anything about the previous history or character of an accused as any such information is likely to prejudice his mind against the accused and may not be conducive to a fair trial.

I am to state accordingly that while there can be no objection to the suggestion made by the Prisons Reforms Committee that available information as to the character and previous history of every undertrial prisoner may be furnished to the Jail authorities at the time of his remand, such information should be furnished by the Police direct to the Jail authorities at the time of remand, and the Courts remanding the accused either under Section 167 or 344 Criminal Procedure Code should not be troubled with that task.

I have the honour to be,

Sir,

Your most obedient servant,

N. R. Krishnaswami Rao

Deputy REGISTRAR for Registrar on Casual Leave

Ab C 214-28 Proceedings This 20—43—13 Case dy 9/7/45 S

Read - Recommendation No. 80 of the Prison Reforms Committee in respect of information regarding under-trials and the views of the ~~PROCEEDINGS~~ I.G. of Prisons thereon

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

ORDER NO.

DATED:

The Prison Reforms Committee recommended that available information as to the character and previous history of every under-trial prisoner should be furnished to the Sub-Jail authorities at the time of his remand.

The High Court who were consulted in the matter are of opinion that such information should be furnished by the Police direct to the Jail authorities at the time of remand and not by the Courts remanding the accused either under Section 167 or 344 of the Criminal Procedure Code. The Inspector-General of Prisons recommends the acceptance of the recommendation of the Committee and the Inspector-General of Police states that there is no objection to furnish the information available with the Police at the time of remand.

Government are pleased to accept the recommendation made by the Prison Reforms Committee, subject to the condition that such information should be furnished by the Police direct to the jail authorities at the time of remand. The Inspector General of Police is requested to give

WD 03697—GPB—30,000—2-2-46

p.t.o

give necessary instructions in this behalf in consultation with the Inspector-General of Prisons.

6.7.65

SECRETARY TO GOVERNMENT
LAW DEPARTMENT.

To

The I.G. of Prisons,
,, Police.
The Regr. High Court.
The DMs of Districts.

cvb

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Recommendation No.80 of the Prison Reforms Committee in respect of information regarding under trials and the views of the Inspector General of Prisons thereon.

Order No. P214-25/Pris 20-43-13

Dated, Bangalore, the 9th July 1945.

The Prison Reforms Committee recommend that available informat as to the character and previous history of every under-trial prisoner should be furnished to the Sub-Jail authorities at the time of his remand.

The High Court who were consulted in the matter are of opinion that such information should be furnished by the Police direct to the Jail authorities at the time of remand and not by the Courts remanding the accused either under Section 167 of 344 of the Criminal Procedure Code. The Inspector-General of Prisons recommends the acceptance of the recommendation of the Committee and the Inspector-General of Police states that there is no objection to furnish the information available with the Police at the time of remand.

Government are pleased to accept the recommendation made by the Prison Reforms Committee, subject to the condition that such information should be furnished by the Police direct to the Jail authorities at the time of remand. The Inspector General of Police is requested to give necessary instructions in this behalf in consultation with the Inspector-General of Prisons.

By Order,
Secretary to Government,
Law Department.

To

The Inspector General of Prisons.
The Inspector General of Police in Mysore.
The Registrar, High Court of Mysore.
The Deputy Commissioners of districts.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Recommendation No.80 of the Prison Reforms Committee in respect of information regarding under trials and the views of the Inspector General of Prisons thereon.

***

Order No. P 214-25/Pris 20-43-13

Dated, Bangalore, the 9th July 1945.

The Prison Reforms Committee recommend that available information as to the character and previous history of every under-trial prisoner should be furnished to the Sub-Jail authorities at the time of his remand

The High Court who were consulted in the matter are of opinion that such information should be furnished by the Police direct to the Jail authorities at the time of remand and not by the Courts remanding the accused either under Section 167 of 344 of the Criminal Procedure Code. The Inspector-General of Prisons recommends the acceptance of the recommendation of the Committee and the Inspector-General of Police states that there is no objection to furnish the information available with the Police at the time of remand.

Government are pleased to accept the recommendation made by the Prison Reforms Committee, subject to the condition that such information should be furnished by the Police direct to the jail authorities at the time of remand. The Inspector General of Police is requested to give necessary instructions in this behalf in consultation with the Inspector General of Prisons.

By Secretary to Government
Law Department.

To

The Inspector General of Prisons.
The Inspector General of Police in Mysore.
The Registrar High Court of Mysore.
The Deputy Commissioners of Districts.

9

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

R e a d:-

Recommendation No.80 of the Prison Reforms Committee in respect of information regarding under trials and the views of the Inspector-General of Prisons thereon.

ORDER NO. P214-25/Pris 20-43-13

DATED, BANGALORE, THE 9th JULY 1945

The Prison Reforms Committee recommend that available information as to the character and previous history of every under trial prisoner should be furnished to the Sub-Jail authorities at the time of his remand.

The High Court who were consulted in the matter are of opinion that such information should be furnished by the Police direct to the Jail authorities at the time of remand and not by the Courts remanding the accused either under Section 167 of 344 of the Criminal Procedure Code. The Inspector-General of Prisons recommends the acceptance of the recommendation of the Committee and the Inspector-General of Police states that there is no objection to furnish the information available with the Police at the time of remand.

Government are pleased to accept the recommendation made by the Prison Reforms Committee, subject to the condition that such information should be furnished by the Police direct to the Jail authorities at the time of remand. The Inspector-General of Police is requested to give necessary instructions in this behalf in consultation with the Inspector-General of Prisons.

By Order,
SECRETARY TO GOVERNMENT,
Law Department.

To

The Inspector-General of Prisons.
" Inspector-General of Police in Mysore.
" Registrar, High Court of Mysore.
" Deputy Commissioners of Districts.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 214-25—Pris. 20-43-13, dated 9th July 1945.

Under-trial Prisoners.

Issues instructions as regards the particulars about the history of——

READ—

Recommendation No. 80 of the Prison Reforms Committee, in respect of information, regarding under-trials and the views of the Inspector-General of Prisons thereon.

ORDER No. P. 214-25—PRIS. 20-43-13, DATED BANGALORE, THE 9TH JULY 1945.

The Prison Reforms Committee recommend that available information as to the character and previous history of every under-trial prisoner should be furnished to the Sub-Jail authorities at the time of his remand.

The High Court who were consulted in the matter are of opinion that such information should be furnished by the Police direct to the Jail authorities at the time of remand and not by the Courts remanding the accused either under Section 167 or 344 of the Criminal Procedure Code. The Inspector-General of Prisons recommends the acceptance of the recommendation of the Committee and the Inspector- General of Police states that there is no objection to furnish the information available with the Police at the time of remand.

Government are pleased to accept the recommendation made by the Prison Reforms Committee, subject to the condition that such information should be furnished by the Police direct to the Jail authorities at the time of remand. The Inspector-General of Police is requested to give necessary instructions in this behalf in consultation with the Inspector-General of Prisons.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

To—The Inspector-General of Prisons.
The Inspector-General of Police in Mysore.
The Registrar, High Court of Mysore.
The Deputy Commissioners of Districts.

EXD.—B. G. S.

WD 62—GPB—260—17-7-45